

Court of Appeals, Division One
Civil Appeal

1 CA-CV 14-0465

PREMIER v. NAVARRO

Appellate Case Information

Case Filed: 21-Jul-2014
Case Closed: 11-Apr-2016

Decision

Dept/Composition

Department E

Hon. Patricia K Norris
Hon. Patricia A Orozco
Hon. Kent E Cattani

Side 1. PREMIER PHYSICIANS GROUP, PLLC, an Arizona professional LLC, dba PREMIER PAIN MANAGEMENT, LLC., an Arizona limited liability company, Plaintiff/Appellant

(Litigant Group) PREMIER PHYSICIANS GROUP PLLC

- Premier Physicians Group PLLC
- Premier Pain Management LLC

Attorneys for: Plaintiff/Appellant

H Lee Dove, Esq. (AZ Bar No. 10845)
Trevor J Fish, Esq. (AZ Bar No. 23206)

Side 2. KIMBERLY NAVARRO and EDDIE NAVARRO, wife and husband, Defendant/Appellee

(Litigant Group) KIMBERLY NAVARRO et al

- Kimberly Navarro
- Eddie Navarro

Attorneys for: Defendants/Appellees

Joel DeCancio, Esq. (AZ Bar No. 19732)
Christopher Robbins, Esq. (AZ Bar No. 11064)

Side 3. ARIZONA ASSOCIATION FOR JUSTICE/ARIZONA TRIAL LAWYERS ASSOCIATION, Amicus Curiae

(Litigant Group) ARIZONA ASSOCIATION FOR JUSTICE/ARIZONA TRIAL LAWYERS ASSOCIATION

- Arizona Association for Justice
- Arizona Trial Lawyers Association

Co-Counsel for: Amicus Curiae

David L Abney, Esq. (AZ Bar No. 9001)
Dana R Roberts, Esq. (AZ Bar No. 13654)
Geoffrey M Trachtenberg, Esq. (AZ Bar No. 19338)

CASE STATUS

Apr 11, 2016.....Pending Closure

PREDECESSOR CASE(S)		Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
MAR	CV2014-090145	Declaratory Relief		Mark F Aceto, Authoring Judge of Order		

DESCENDENT CASE(S)

ASC CV-15-0323-PR

2 CASE DECISIONS

28-Jul-2015 OPINION

Withdrawn
Withdrawn per Order of 10/01/15

Filed: **28-Jul-2015** Mandate:

Decision Disposition

***Vacated
Remanded***

Patricia Norris.....Author
Patricia Orozco.....Author
Kent Cattani.....Author

01-Oct-2015 OPINION

Patricia Norris.....Author
Patricia Orozco.....Concur
Kent Cattani.....Concur

Filed: **01-Oct-2015** Mandate:

Decision Disposition

***Vacated
Remanded***

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47 PROCEEDING ENTRIES

1. 21-Jul-2014 FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 06/12/14
Bond filed in Superior Court: 6/19/14
Docketing Statement filed in Superior Court: None
2. 21-Jul-2014 FILED: e-Record on Appeal:
Instruments/Minute Entries
3. 22-Jul-2014 FILED: Notice to Counsel re: Appellant's Fee/Brief Due
4. 28-Jul-2014 FILED: Civil Appeals Docketing Statement; Appellant's Certificate of Service of Appellant's Civil Appeals Docketing Statement;
Civil Notice of Appeal; Exhibit B - Minute Entries 6-3-14 and 4-11-14 (Appellant)
5. 30-Jul-2014 FILED: Certificate of Compliance Regarding Payment of Appellant's Filing Fee; Appellant's Certificate of Service of Certificate of
Compliance Regarding Payment of Appellant's Filing Fee (Appellant)
6. 31-Jul-2014 RECEIPT No.: 2014-00961 ; \$280.00, Authorization: #11021219755, Applied to: PREMIER PHYSICIANS GROUP PLLC - Class
A Filing Fee (\$280.00) Paid for: Evans Dove & Nelson PLC - By Integrated Resource Systems IN
7. 4-Aug-2014 FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due
8. 8-Aug-2014 RECEIPT No.: 2014-00996 ; \$140.00, Check Number: #1258, Applied to: KIMBERLY NAVARRO et al - Class B Filing Fee
(\$140.00) Paid for: - By DeCiancio Robbins PLC
9. 28-Aug-2014 FILED: Request for Oral Argument; Certificate of Service of Appellant's Request for Oral Argument (Appellant)
10. 28-Aug-2014 FILED: Appellant's Opening Brief; Appellant's Certificate of Compliance; Certificate of Service of Appellant's Opening Brief
(Appellant)
11. 8-Oct-2014 FILED: Appellees' Answering Brief; Certificate of Compliance for Appellees' Answering Brief; Certificate of Service for Appellees'
Answering Brief; Appendix 1
12. 20-Oct-2014 FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance; Certificate of Service of Appellant's Reply Brief (Appellant)
13. 10-Nov-2014 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
14. 14-Nov-2014 FILED: Motion for Leave to File Brief of Amicus Curiae Arizona Association of Chiropractic; Certificate of Mailing (Amicus Curiae)
15. 14-Nov-2014 FILED: Brief of Amicus Curiae Arizona Association of Chiropractic; Certification of Compliance; Certificate of Mailing (Amicus
Curiae)
16. 19-Nov-2014 ORDERED: Request for Oral Argument (Appellant) = GRANTED. Hon Diane M Johnsen - Author
17. 20-Nov-2014 Record Receipt Noted - ENTIRE RECORD eFILED - There is no physical record to be transmitted from lower court
18. 21-Nov-2014 FILED: Supplemented Superior Court e-Record with Revised Index of Record
19. 15-Dec-2014 ORDERED: Staying appeal to/including 1/30/15 and revesting jurisdiction in the Superior Court to permit consideration of an
application by Appellant for a signed judgment with certification of finality per Rule 54 (c). FURTHER ORDERED: if Superior
Court grants Appellant's application, Appellant shall file copy of signed Judgment within 10 days after its entry. FURTHER
ORDERED: If appeal has not been reinstated by filing of signed Judgment, Appellant shall file request to continue Stay. If
Appellant does not file request, appeal may be dismissed without further notice. Melina Brill ProTem Judge - Author
20. 28-Jan-2015 FILED: Notice of Filing Judgment; Certificate of Service of Appellant's Notice of Filing Judgment
21. 5-Feb-2015 ORDERED: Motion for Leave to File Brief of Amicus Curiae Arizona Association of Chiropractic (Amicus Curiae) =
GRANTED/accepting for filing amicus curiae brief lodged 11/14/14. FURTHER ORDERED: Any party may file a response to
brief w/in 20 days of date of this order. Hon Diane M Johnsen - Author
22. 12-Feb-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record (including Judgment filed on 1/22/15 and Minute
Entry re: Judgment signed 1/22/15 filed on 1/26/15)
23. 17-Feb-2015 FILED: Appellees' Response to Brief of Amicus Curiae Arizona Association of Chiropractic; Certificate of Compliance for
Appellees' Response to Brief of Amicus Curiae Arizona Association of Chiropractic; Certificate of Service for Appellees' Response
to Brief of Amicus Curiae Arizona Association of Chiropractic
24. 31-Mar-2015 CLNDR: MONTHLY COURT CASE CALENDAR, Department E, 5-27-15, 09:30 am, COURTROOM 1.

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25. 15-Apr-2015 FILED: Notice of Oral Argument
26. 17-Apr-2015 FILED: Notice of Filing Return Receipt For Notice of Oral Argument [Set May 27, 2015 at 9:30 a.m.], signed by Trevor J Fish on 4/15/15; Certificate of Service of Appellant's Notice of Filing Return Receipt for Notice of Oral Argument
27. 20-Apr-2015 FILED: Return Receipt for Notice of Oral Argument, signed by Joel Deciancio on 4/15/15 (Appellees)
28. 18-May-2015 ORDERED: Resetting oral argument in this matter now set for 9:00 am on 5/27/15 and resetting OA to 10:15 am on 5/27/15 before Dept.. E. Hon Patricia K Norris - Author
29. 27-May-2015 FILED: Sign-in Sheet/Case is Under Advisement (Dept E)
30. 28-Jul-2015 OPINION (Vacated, Remanded) Hon Patricia K Norris - Author; Hon Patricia A Orozco - Author; Hon Kent E Cattani Judge - Author (withdrawn per order filed on 10/1/15 - rsl)
31. 28-Jul-2015 FILED: Opinion Distribution List
32. 3-Aug-2015 FILED: Statement of Attorneys' Fees and Costs on Appeal; Certificate of Service of Appellant's Statement of Attorneys' Fees and Costs on Appeal (Appellant)
33. 11-Aug-2015 FILED: Appellees' Motion for Reconsideration; Certificate of Compliance for Motion for Reconsideration; Certificate of Service for Motion for Reconsideration
34. 20-Aug-2015 ORDERED: (Court has received Appellees' Motion for Reconsideration) Court requests Appellant file a response to Appellees' argument regarding opinion's construction of ARS Section 33-932 only, not to exceed twelve pages on/before 5 pm on 9/9/15. No reply shall be filed absent an order of court. FURTHER ORDERED: Denying Motion for Reconsideration regarding fee award under ARS section 33-934 (B). Hon Patricia K Norris - Author
35. 21-Aug-2015 FILED: Appellees' Objection to Statement of Attorneys' Fees and Costs on Appeal; Certificate of Service for Objection to Statement of Attorneys' Fees and Costs on Appeal
36. 31-Aug-2015 FILED: Reply in Support of Appellant's Statement of Attorneys' Fees and Costs on Appeal; Certificate of Service (Appellant)
37. 3-Sep-2015 FILED: Motion of the Arizona Association for Justice/Arizona Trial Lawyers Association for Leave to File Amicus Curiae Brief; Certificate of Service for Motion of the Arizona Association for Justice/Arizona Trial Lawyers Association for Leave to File Amicus Curiae Brief (Amicus Curiae)
38. 3-Sep-2015 FILED: Amicus Curiae Brief of the Arizona Association for Justice/Arizona Trial Lawyers Association; Certificate of Compliance for Amicus Curiae Brief of the Arizona Association for Justice/Arizona Trial Lawyers Association; Certificate of Service for Amicus Curiae Brief of the Arizona Association for Justice/Arizona Trial Lawyers Association (Amicus Curiae)
39. 9-Sep-2015 FILED: Appellant's Response to Appellee's Motion for Reconsideration; Order re: Motion for Reconsideration Response; Certificate of Service (Appellant)
40. 1-Oct-2015 OPINION (Vacated, Remanded) Hon Patricia K Norris - Author; Hon Patricia A Orozco - Concur; Hon Kent E Cattani Judge - Concur
41. 1-Oct-2015 FILED: Opinion Distribution List
42. 1-Oct-2015 ORDERED: Motion of the Arizona Association for Justice/Arizona Trial Lawyers Association for Leave to File Amicus Curiae Brief = GRANTED and accepting amicus brief as filed. FURTHER ORDERED: Appellees' Motion for Reconsideration = DENIED. FURTHER ORDERED: Directing COA to issue an amended opinion that replaces third and fourth sentences contained in paragraph 9 of opinion w/ following two sentences: In contrast, ARS Section 33-932 allows a non-hospital health care provider to perfect a lien only if it records lien before or w/in 30 days after patient receives any services related to injuries. Unless lien is recorded before patient receives services, lien applies retroactively only to services provided to patient w/in 30 days prior to is recordation. FURTHER ORDERED: awarding Appellant \$9860.50 for attorney's fees and \$422 for costs on appeal. Hon Patricia K Norris - Author
43. 1-Oct-2015 ORDERED: (Court's own motion and pursuant to this Court's 10/1/15 Order Granting Motion to file Amicus Brief) directing Clerk of this Court to withdraw opinion filed 7/28/15 in above-captioned case as that opinion has be replaced by opinion filed in this matter on 10/1/15. Hon Patricia K Norris - Author
44. 13-Oct-2015 FILED: ASC Order filed 10/13/15 re: extending time for filing Petitioner for Review to 11/16/15.

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| 45. | 13-Nov-2015 | FILED: Email Notice from ASC re: Petition for Review filed 11/13/15; request for partial record |
| 46. | 19-Nov-2015 | FILED: Letter forwarding partial record to Arizona Supreme Court |
| 47. | 11-Apr-2016 | FILED: Letter from ASC, 4/11/16, re: Request for Oral Argument GRANTED; Petition for Review GRANTED on 4/11/16; Request for Attorneys' Fees (Both Appellees and Appellants) CONTINUED; Case Shall be set for Oral Argument |